

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SEGA OF AMERICA, INC.,

Plaintiff,

v.

Case No. 1:25-cv-257

CONSOVOY MCCARTHY PLLC,

Defendant.

DEFENDANT’S MOTION TO DISMISS FIRST AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Consovoy McCarthy PLLC moves to dismiss Sega’s First Amended Complaint (Doc. 20) in its entirety. In support, Consovoy relies on the accompanying Memorandum of Law. As explained in the accompanying Memorandum, Sega has failed to state any valid claim against Consovoy for several reasons, including that litigation privilege bars holding Consovoy liable for filing litigation on behalf of its clients and *Noer-Pennington* immunity bars Sega’s lone federal claim. Individually, Sega’s tortious interference claims (Counts I & II) also fail because persuading clients to file litigation is outside the scope of the claim and Sega’s allegations nevertheless fail to satisfy the requisite elements of a tortious-interference claim. Sega’s federal false advertising claim (Count III) also fails because the company lacks standing and fails to plausibly plead a Lanham Act claim. Sega’s final false advertising claim (Count IV) also fails because Virginia law doesn’t apply and, in any event, Virginia Code §18.2-216 is a criminal statute with no private right of action.

Consovoy respectfully requests that this Court dismiss Plaintiff’s First Amended Complaint (Doc. 20) with prejudice.

Dated: May 30, 2025

Respectfully submitted,

/s/ Bryan Weir

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Bryan Weir (VA Bar No. 82787)

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CERTIFICATE OF SERVICE

I certify that on May 30, 2025, I filed this document via the Court's CM/ECF system, which will email everyone requiring notice.

/s/ Bryan Weir
Bryan Weir